

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FERNANDO REY GOMEZ,
Petitioner

v.

W.L. MONTGOMERY,
Respondent.

Case No. EDCV 15-2169-DSF (GJS)

**ORDER ACCEPTING FINDINGS
AND RECOMMENDATIONS OF
UNITED STATES MAGISTRATE
JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition (“Petition”) and all pleadings, motions, and other documents filed in this action, and the Report and Recommendation of United States Magistrate Judge (“Report”). The time for filing Objections to the Report has passed, and no party has filed Objections with the Court.

Having completed its review, the Court accepts the findings and recommendations set forth in the Report. Accordingly, **IT IS ORDERED** that: (1) the Petition is GRANTED; (2) a conditional writ of habeas corpus shall issue and Petitioner shall be released within 90 days of the entry of Judgment unless the State of California issues an Amended Abstract of Judgment in San Bernardino County Superior Court Case No. FSB14849 reinstating the 518 days of conduct

1 credits rescinded on April 24, 2014, and then recalculates Petitioner's release date
2 and takes any appropriate and necessary action required as a result of that
3 recalculated release date¹; and (3) Judgment shall be entered in Petitioner's favor.

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5 DATE: __9/1/16



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DALE S. FISCHER
UNITED STATES DISTRICT JUDGE

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¹ As noted in the Report, should this recalculation result in a release date that has passed, the State should take appropriate steps to promptly release Petitioner from incarceration.